

## Section IV

# Park Boundary / Acquisition Plan

### Overview

As defined in Section II, Spring Lake Park Reserve was established as part of a land purchase by Dakota County in the early 1970's. Since that time, numerous major parcels have been acquired and are now part of park property. Acquiring the remaining inholding properties continues to be a top priority of the master plan. This section considers Dakota County's policy on land acquisition and a variety of park boundary issues. While no boundary changes are recommended at this time, possible boundary amendments could occur in the future as opportunities arise to purchase land that would specifically address park development and resource management issues.

### Dakota County Parks Policy on Land Acquisition

The Dakota County Parks Plan defines the willing seller approach to park acquisition as the primary means of acquiring land for park and trail purposes. Key drawbacks to that approach include:

- ▶ It is difficult to anticipate when acquisition will be completed.
- ▶ It is unlikely that the willing seller approach will result in the complete acquisition of existing parks in a timely manner. Full development of the parks for public use and protection of the natural resources within them will not be possible until acquisition is complete. The County will likely need to employ other acquisition methods to acquire some of the remaining parcels within the park boundaries.
- ▶ The County relies mainly on federal, state, and regional funds for the acquisition and development of its park system. Reliance on these sources of funds means that the County's schedule for acquisition and development is determined by the availability of these funds. The County will continue to actively pursue these and other sources of funds for acquisition and development.

Under the willing seller approach, Dakota County's primary strategy for Spring Lake Regional Park has been to work in good-faith with property owners for the purchase of their property. To date, this has not resulted in the acquisition of many of the major parcels yet to be acquired.

Although the willing seller policy is preferred, Dakota County policy also allows for the use of condemnation if the property:

- ▶ Interferes with park operations or park security.
- ▶ Interferes with park development.
- ▶ Impacts park use or user safety.
- ▶ Degrades or threatens natural resources.
- ▶ Threatens the inherent quality of the property for park uses.
- ▶ Means the loss of acquisition or development funds because of grant expiration.
- ▶ Results in significant change in intensity of use of the property.

Within the policy, there are a number of strategies also defined, including:

- ▶ Maintain relationships with inholders to keep informed of property owner intentions and property owners of County's intent to purchase.
- ▶ Work with cities and townships to monitor possible development of property within park boundaries.
- ▶ Conduct analysis of inholdings concerning above policy points.
- ▶ Develop an acquisition plan for remaining parcels within park boundaries.
- ▶ Actively pursue funding for purchasing remaining parcels within park boundaries.
- ▶ Seek other resources for acquisition efforts, such as partnerships with nonprofit organizations.
- ▶ Set a sunset date for parcels based on the acquisition plan, funding time lines, and development projects in the County CIP.
- ▶ County will minimize future private development on remaining parcels to be purchased within park boundaries.
- ▶ Pursue life estates and rights of first refusals with inholding property owners.
- ▶ Develop an official mapping ordinance. (Under this ordinance, if a landowner proposes improvements on an officially mapped property that generally would require a building permit and would raise the value of the property, the County would have the authority to purchase the property at its current value within a set time frame.)
- ▶ Investigate use of conservation easements for inholdings.
- ▶ Investigate use of Purchase of Development Rights (PDR) program for inholdings.

These policies will be applied to Spring Lake Park as appropriate.

### **Spring Lake Park Reserve Strategy for Acquiring Inholdings Relative to Established Policies**

As part of the planning process, a number of the inholders were interviewed to develop an understanding of their perspective on selling their properties and their relationship with Dakota County. At this point, none of the property owners are interested in selling their land. Living on the land for generations, differing philosophies on land management and stewardship, lack of trust, and some poor past relationships with the County have contributed to their disinterest in selling their property, even for park purposes. These issues will have to be worked through on an individual basis if Dakota County is to be successful in acquiring these properties based on a willing-seller policy approach.

As Dakota County policy states, the willing seller approach will continue to be used as the primary tool for the acquisition of inholder properties within Spring Lake Park Reserve. Dakota County is committed to continuing to work in good-faith with property owners to find approaches that are best suited for acquiring their properties. That said, the master plan places emphasis on minimizing the time frame for acquisition for a couple of reasons:

- ▶ Ever-increasing land values and improvements to the properties will make it increasingly more difficult to fund acquisition.
- ▶ Land use practices on some inholding properties are degrading (or have the potential to degrade) the value of

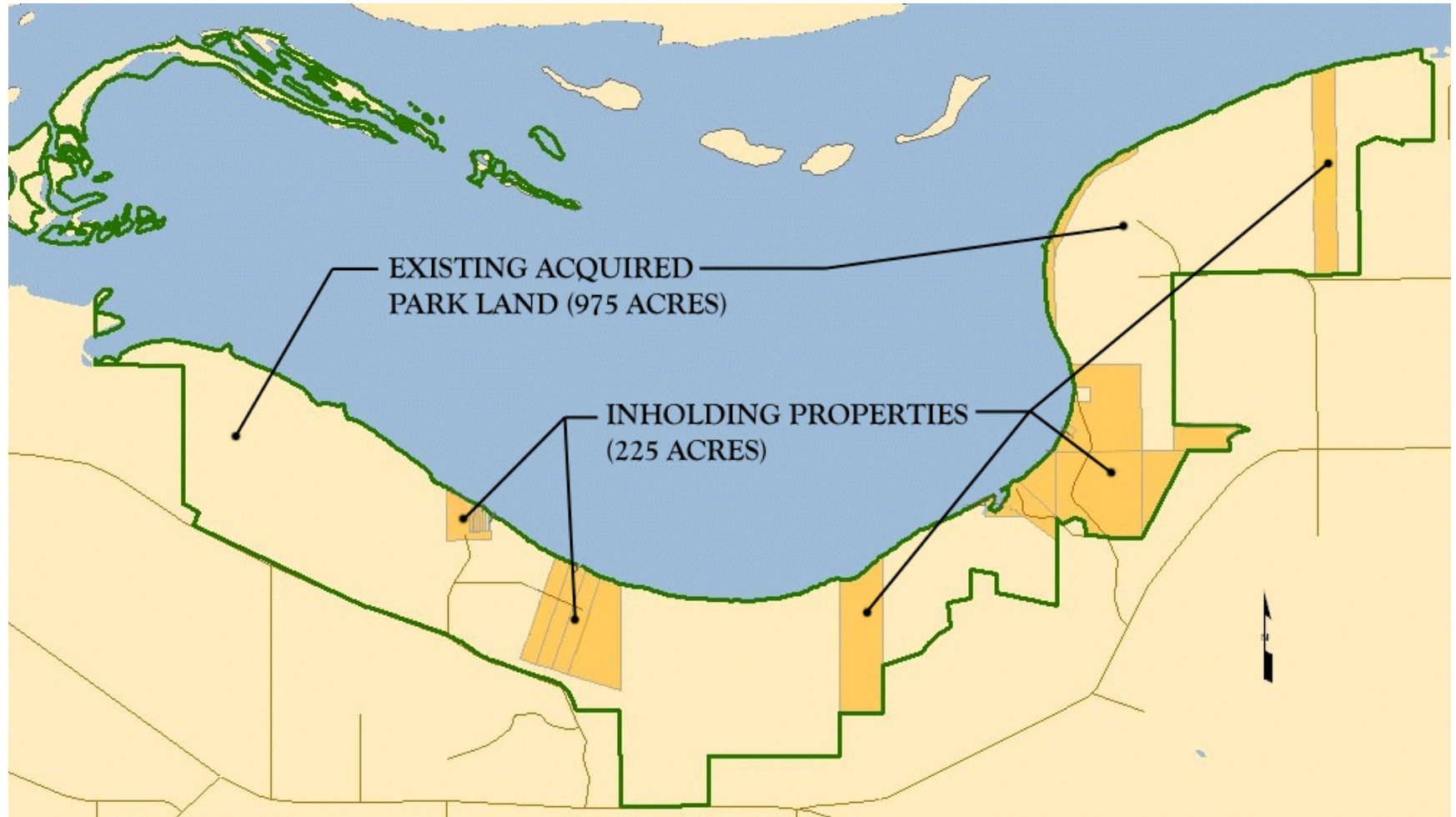
the property for park purposes.

Due to these concerns, acquiring inholder properties is a top priority of the master plan. Should conditions warrant, as defined by established Dakota County policy, the use of means other than willing seller may be warranted to ensure that the integrity of the land for park purposes is not compromised.

## Existing Park Boundary

The existing park boundary encompasses approximately 1,200 acres, of which approximately 225 acres remain to be acquired. Figure 3.1 illustrates the park boundary and identifies the location of inholding properties .

Figure 4.1 – Spring Lake Park Reserve boundary, with inholdings highlighted.





## Inholding Properties to be Acquired

*Inholdings along the river compromise the integrity of the park, interfere with ecological stewardship, and impede park development.*



There are thirteen inholding properties yet to be acquired within the park. This is exclusive of the properties associated with the islands within Spring Lake and the Mississippi River. The photos on this page illustrate some of these properties and underscore the importance of acquiring them to reduce the fragmentation of the park's ecological systems and inhibit its development potential. (Listed acreages reflect land only within the park boundary. Accessed values were pro-rated only for partial parcels that are completely above water. Accessed values were not pro-rated for those parcels that are partially in the park and partially submerged under Spring Lake.)

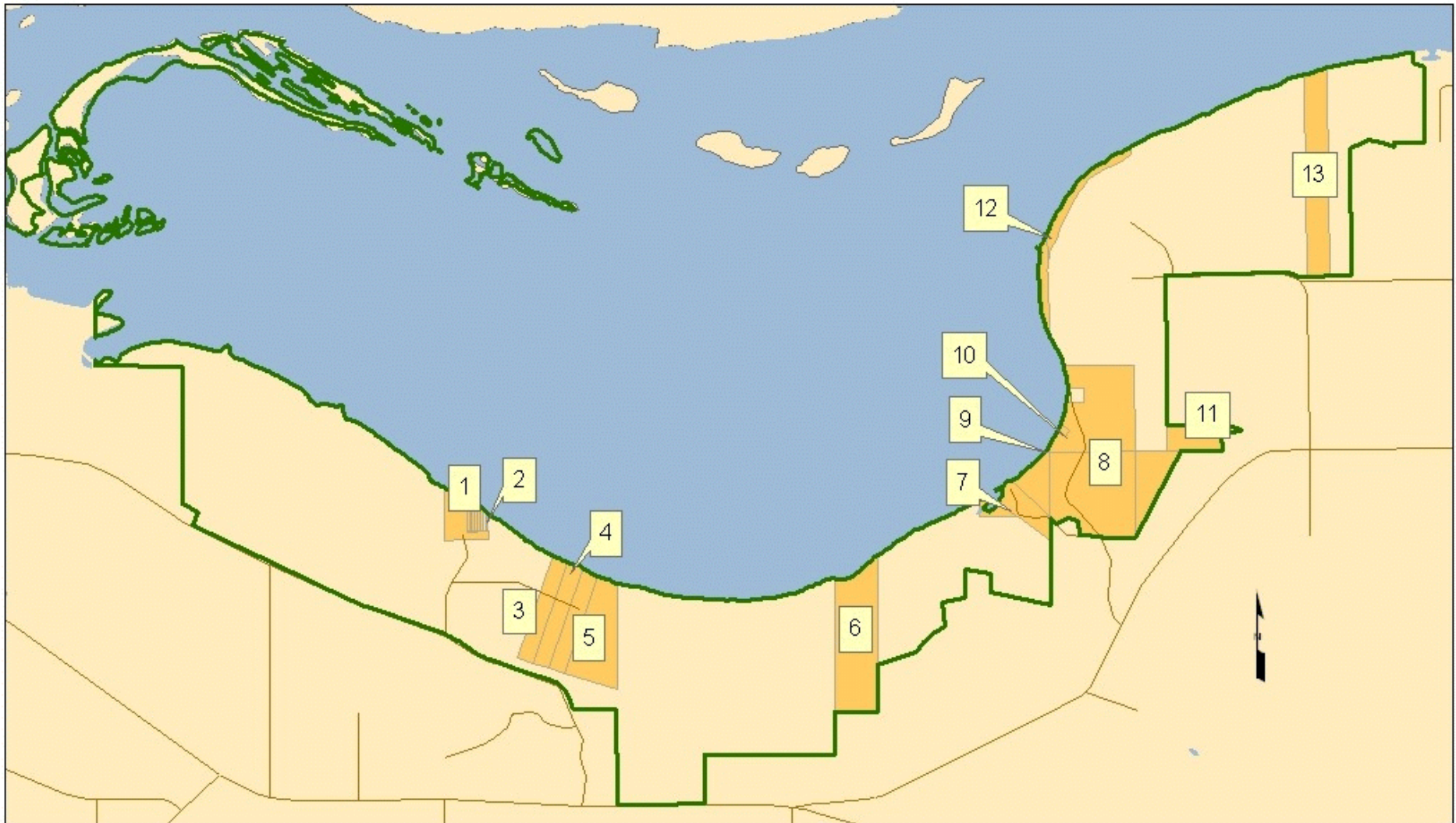
*The inholding at the base of the cliffs in the Schaar's Bluff area significantly impact the development of the park and implementation of ecological stewardship programs. Other inholdings pose the same concern.*





Figure 4.2 provides an overview of the location for all of the inholding properties. The subsequent table provides additional details about each of the properties identified on the map.

Figure 4.2 – Inholdings within Spring Lake Park Reserve.



### Inholding Property Data Table

Property ID and Description	Priority Status in Relation to Master Plan*
<p>1 Pine Bend Trail, Hastings, MN 55033 / 8.5 acres / Assessed value: \$148,700</p> <p>2 13764 Fischer Avenue, Hastings, MN 55033 / 0.3 acres / Assessed value \$122,300</p> <p>Properties front Spring Lake. Scattered buildings and structures. Adjacent to a ravine area, which is full of debris and junk. Access road to these properties bisect key natural areas. Natural qualities of the shoreline are also disrupted.</p>	<p><b>High priority</b> status due to its location and current condition.</p>
<p>3 13586 Fischer Avenue, Hastings, MN 55033 / 9.4 acres / Assessed value \$428,700</p> <p>4 13584 Fischer Avenue, Hastings, MN 55033 / 9.3 acres / Assessed value \$395,900</p> <p>5 13580 Fischer Avenue, Hastings, MN 55033 / 29.5 acres / Assessed value \$433,000</p> <p>Larger estates that bisect the center of the park, making it difficult to link the park together with trails. Also bisect ecological systems, which cause habitat fragmentation and makes it difficult to manage resources. Home sites within the park are also confusing to the park visitor and make it challenging to define park boundaries.</p>	<p><b>Medium priority</b> status <u>if</u> trail easements are provided for the nature/cultural trails and property owners collaborate on management of ecological systems.</p> <p><b>High priority</b> status if above is this is not achievable.</p>
<p>6 No address for property / 32.3 acres / Assessed value: \$39,500</p> <p>Property bisects the center of the park, making it difficult to link the park together with trails. Also bisects ecological systems, which cause habitat fragmentation and makes it difficult to manage resources. Also a very ecologically-sensitive area that includes a seepage meadow that is being degraded and part of the central ravine area.</p>	<p><b>Medium priority</b> status <u>if</u> trail easements are provided for the nature/cultural trails and property owners collaborate on management of ecological systems.</p> <p><b>High priority</b> status if above is not achievable.</p>
<p>7 13493 Hilary Path, Hastings, MN 55033 / 9.2 acres / Assessed value: \$156,500</p> <p>Property fronts Spring Lake. Scattered buildings and structures. Adjacent to an active spring. Private marina site is full of debris. Natural qualities of the shoreline are also disrupted. Area is also designated for a significant park development.</p>	<p><b>High priority</b> status due to its location and current condition.</p>
<p>8 No address for property / 84.7 acres / Assessed value: \$137,409</p> <p>9 RR Hastings, Hastings, MN 55033 / 0.1 acres / No assessed value</p> <p>10 13305 Hilary Path, Hastings, MN 55033 / 0.4 acres / Assessed value: \$97,800</p> <p>11 13435 Idell Avenue, Hastings, MN 55033 / 8.2 acres / Assessed value: \$27,948</p> <p>These parcels bisect the eastern and central part of the park, making it difficult to link the park together with trails. Also bisect ecological systems, which cause habitat fragmentation and makes it difficult to manage resources. Also a very ecologically-sensitive area that is exhibiting erosion and other ecological concerns due to lack of management.</p>	<p><b>Medium priority</b> status <u>if</u> trail easements are provided for the nature/cultural trails and property owners collaborate on management of ecological systems.</p> <p>Continued use of the pasture land near the farm site was also of concern to the land owner, suggesting that an interim plan has some merit prior to full acquisition.</p> <p><b>High priority</b> status if above is not achievable.</p>
<p>12 13075 Hilary Path, Hastings, MN 55033 / 9.4 acres / Assessed value: \$142,100</p> <p>The property lies at the foot of the cliffs along the Mississippi River, which is ecologically important to the park and also an area where significant development features are proposed. Also a liability to the park due to the township road that serves the property bisecting the park, causing erosion and impeding stewardship and development initiatives.</p>	<p><b>High priority</b> status due to location, uniqueness for park purposes, and fragmentation of the park property.</p>
<p>13 No address for property / 24 acres / Assessed value: \$80,500</p> <p>The parcels along the shoreline of the river bisects the Schaar's Bluff area, making it difficult to link the park together with trails. Also bisects ecological systems, which cause habitat fragmentation and makes it difficult to manage resources.</p>	<p><b>Medium priority</b> status <u>if</u> trail easements are provided for the nature/cultural trails and property owners collaborate on management of ecological systems.</p> <p>Continued use of the pasture land near the farm site was also of concern to the land owner, suggesting that an interim plan has some merit prior to full acquisition.</p> <p><b>High priority</b> status if above is not achievable.</p>

\* Priority status of high and medium are based on the value of the property in terms of ecological stewardship and development. There are no low priorities listed since acquiring all of the properties is paramount to the continuity, function, and stewardship of the park.

## Approaches to Property Acquisition

The optimal approach for acquiring inholder properties is direct purchase at appraised or market rate. The use of alternative approaches may also have merit, especially in instances where the land owners are life-long and generational residents on their properties with a strong attachment to the land. In these cases, there are a number of approaches that offer some flexibility on the road to full acquisition. Examples include:

- ▶ **Life estates** – where the property is purchased under an agreement that the property owner can continue to live on the property through their lifetime.
- ▶ **Temporary or permanent conservation easements** – where certain portions of the property are protected from private development and where Dakota County retains the rights to undertake stewardship of the land that is consistent with the rest of the park.
- ▶ **Temporary or permanent trail easements** – where certain corridors through the property are set aside for trail development.
- ▶ **Cooperative stewardship agreement** – allows Dakota County to undertake ecological and cultural stewardship of the property on an interim basis.

Note that the last three options will require provisions that allow Dakota County to take ownership of the property at some point. This is necessary to justify any investments made into infrastructure and stewardship associated with private properties. However, both easements and stewardship agreements can act as interim bridges serving the interests of both parties.

*Cooperative management of areas like the ravine in the central preserve area of the park is critical to ecological stability and health.*



## Interim Stewardship of Inholding Properties

Interim stewardship of ecological and cultural resources associated with inholding properties is important to preserving the value of these lands for park purposes. Given the interdependence of ecological systems, the stewardship of the park can be undermined if the management of inholding properties is inconsistent with the practices being used within the park. As Dakota County implements a more broad-based stewardship program for the park, including these property owners as partners in that program needs to be pursued as a top priority, in concert with discussions related to property acquisition.

Working with inholding property owners on stewardship issues poses both an opportunity and some challenges. The opportunity is to unify the land that will one day be part of the park. The challenges stem from differences of opinion as to how the land is best managed and used. Some land owners have a broader perspective on the use of the land that relate closely to the farming tradition. This includes the use of their properties for pasturing, agriculture, and, in some cases logging. Land owners with residential homes on their property see lawn areas and ornamental landscapes to be in keeping with the surrounding landscape. In contrast, stewardship of the park is clearly focused on fostering natural cycles and vibrant ecological systems.



*Removal of the County-owned building located on recently acquired properties is also an important aspect of the master plan.*



## Park Boundary Expansion Considerations

Although Dakota County's policy is clear on the use of condemnation if threats to the value of the land are manifested, until the land is actually a part of the park the land owner holds the rights to use their property for a variety of purposes. Nevertheless, conversations with some of the property owners during the planning process suggest that there may be an opportunity to collaborate at some level on stewardship issues. As the lead agency, Dakota County Parks will continue to work toward building stronger relations with property owners and try to find ways in which stewardship concerns can be cooperatively addressed. This may require non-traditional approaches that allow the County to accomplish some stewardship objectives while the current property owners continue to use their property in ways that support their lifestyle and business enterprises. For example, agricultural practices and pasturing of livestock may continue as in the past on some parcels, albeit with perhaps greater attention being given to issues such as erosion, farm chemical migration, and tree loss due to soil compaction.

### County-Owned House and Other Properties within the Park

In addition to the inholdings defined above, several properties within the park are owned by the County. In each case, the master plan calls for built structures to be removed from the site and either restored to a natural state or developed for park purposes as defined by the development plan.

During the planning process, a number of alternatives were considered with respect to the park boundary. This ranged from maintaining the existing boundary to modest expansion for ecological protection and development purposes. If typical planning principles were applied, the boundary would be based on specific criteria, including:

- ▶ Preserving natural landforms and topographic distinctions (i.e., terraces, bluff lines, slopes, ravines, etc.)
- ▶ Preserving the ecological integrity of interrelated natural systems
- ▶ Preserving viewsheds
- ▶ Limiting land use conflicts

If these principles were applied, there is some justification for expanding the park to: address a boundary originally determined by agricultural field edges; preserve some landscape features and viewsheds; and provide additional space for park development. This is especially the case along the south property line in the central section of the park, where an irregular border poses constraints on resource management and development of the regional trail corridor.

Although the justifications may be sound, there are also numerous challenges to expanding the park's boundary. The extent of inholding properties that still need to be acquired; the lack of property owner and Township interest and support for expanding park boundaries at this time; and the overall cost of acquiring the existing inholding properties and developing the park all weigh heavily into boundary change proposals. For these reasons, along with the opportunity to consider alternative approaches to protecting off-site viewsheds and ecological systems, the master plan does not include any changes in the park boundary.



## Alternative Approach to Preserving Adjoining Open Space

Although no expansion is proposed, expansion of the park boundary remains a fluid issue. There are three primary reasons for this: 1) It leaves open the possibility of expanding the park if adjoining property owners show interest in selling their property to the County for park purposes; 2) It allows Dakota County some latitude to respond to land use changes or development proposals for surrounding lands that may be inconsistent with the park's mission, degrade its natural values, or impede its use; and 3) It allows Dakota County some latitude to acquire additional property to construct the regional trail if site constraints (i.e. topography, ecological impacts) make it unreasonable to do so within the current boundary. For these reasons, Dakota County will remain open to expanding the park if in doing so the public good is best served.

Although the park boundary will remain unchanged under the master plan, preserving the open space values of the adjoining properties would add significantly to the value of the park. Under the *Farmland and Natural Area Preservation Program*, Dakota County has a powerful tool available to be used for the perpetual preservation of open space within the county. This includes properties that adjoin major regional and county parks. (It does not include properties within the park's boundary.)

The Dakota County Farmland and Natural Area Program is the culmination of a multi-year project addressing citizen concern over the loss of farmland and natural areas in fast growing Dakota County. The Farmland and Natural Area Program protects farmland and natural areas through the voluntary sale and donation of land and permanent conservation easements from willing landowners. In November 2002, Dakota County voters approved the sale of \$20 million in bonds to acquire, preserve and protect natural areas and farmland, and protect the high quality of life in Dakota County.

The Farmland and Natural Area Program will use two tools to protect land: purchase or donation of land and the purchase or donation of permanent conservation easements. Dakota County will purchase or accept donations of natural areas directly or in partnership with cities, townships, state agencies or nonprofit organizations. Dakota County will also purchase or accept the donation of permanent conservation easements over farmland and natural areas.

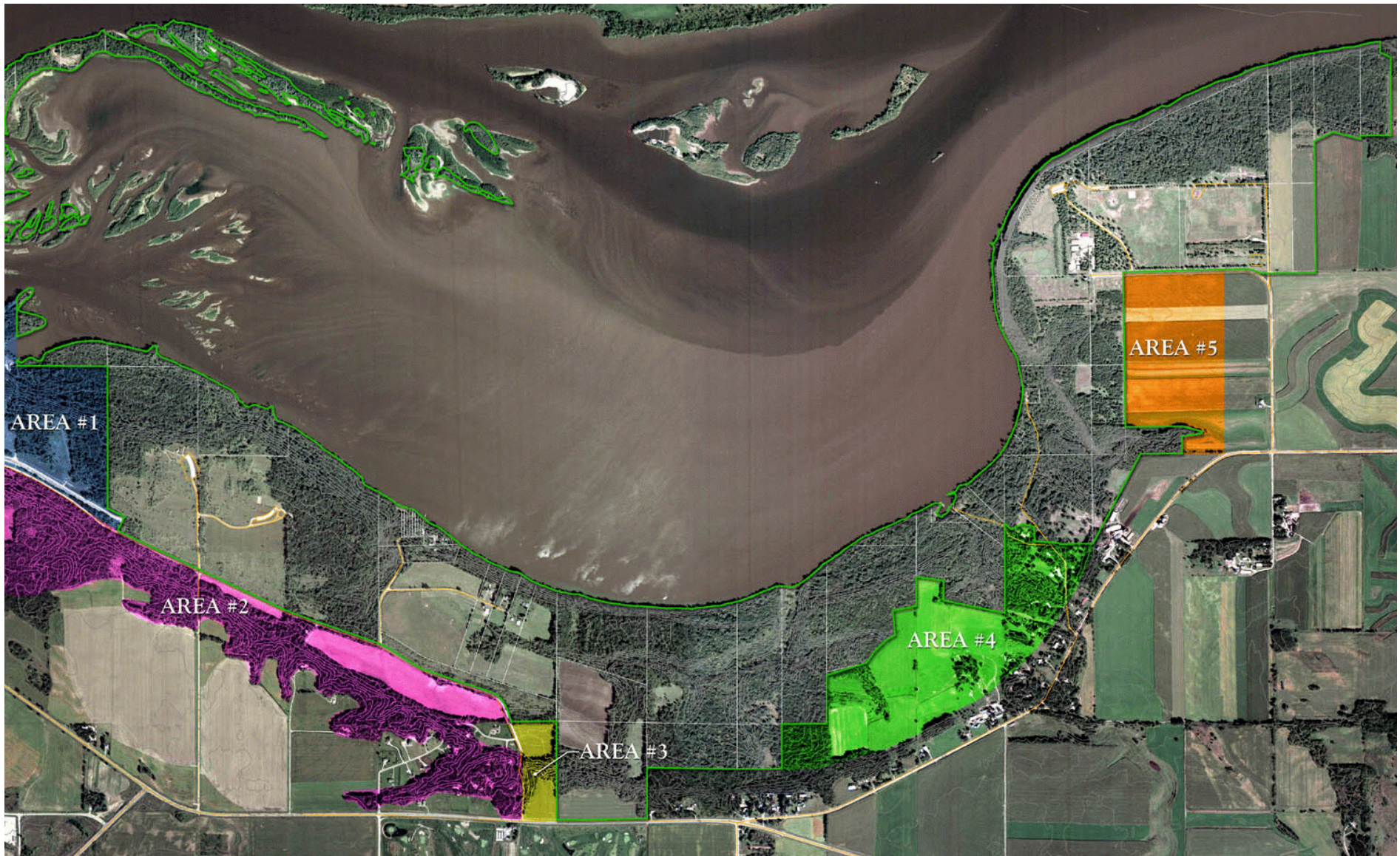
A conservation easement is an interest in land that is separated from the underlying fee title. The title remains in private ownership; however, present and future landowners are bound by the terms of the conservation easement. The title holder may continue to use the land for farming or open space purposes. The conservation easement will be held by Dakota County or another appropriate agency or organization. The holder of the conservation easement will be responsible for ensuring the terms of the easement are followed. All farmlands and natural areas that are protected will have a conservation management plan prepared for the property that will protect the resources on the property, improve water quality, and provide wildlife habitat.

When land is purchased or donated under the program and title is held by an entity other than Dakota County, Dakota County will retain a permanent conservation easement to ensure the land will be used for open space purposes.



There are several open space areas adjoining the Spring Lake Park Reserve where this program could be beneficial, as illustrated in figure 4.3. The subsequent table provides an overview of the value of these properties.

Figure 4.3 – Key open space areas adjoining Spring Lake Park Reserve.





### Farm Land and Natural Area Program Opportunities

Map ID	Approx. Acres	Primary Values Achieved
Area 1	82 acres	<ul style="list-style-type: none"> <li>▶ Preserve natural area and steep slopes</li> <li>▶ Provide buffer to industrial site</li> <li>▶ Protect viewshed from park</li> </ul>
Area 2	202 acres	<ul style="list-style-type: none"> <li>▶ Preserve natural area, bluff line, steep slopes, and ravines</li> <li>▶ Preserve viewshed from park</li> <li>▶ Buffer natural systems within park</li> </ul>
Area 3	17 acres	<ul style="list-style-type: none"> <li>▶ Provide continuity in ecological systems</li> <li>▶ Preserve bluff line and steep slopes</li> <li>▶ Preserve viewshed from park</li> </ul>
Area 4	144 acres	<ul style="list-style-type: none"> <li>▶ Preserve viewshed from park</li> <li>▶ Expand natural landscape</li> <li>▶ Buffer natural systems within the park</li> <li>▶ Preclude non-agricultural uses from impacting the park</li> </ul>
Area 5	88 acres	<ul style="list-style-type: none"> <li>▶ Preserve viewshed from park</li> <li>▶ Provide buffer to future land uses</li> <li>▶ Buffer natural systems within the park</li> </ul>

## Jurisdiction Over Mississippi River Islands

As the master plan illustrates, the islands in the river and lake are part of the overall vision for the park from a use perspective. From an ownership perspective, the master plan proposes that the islands be owned and managed by a State or Federal agency responsible for managing other aspects of the Mississippi River corridor. The rationale for this includes:

- ▶ The islands, lake, and river serve a broader constituency than Spring Lake Park, including sportsman (hunting and fishing) and recreational use of the larger river system.
- ▶ US Army Corps of Engineers management of the river for navigation affects the islands shape, potential for flooding, and usability for recreational purposes.
- ▶ The islands are part of a larger wildlife migratory system along the Mississippi River corridor, requiring a broader perspective on wildlife management.
- ▶ The tradition of hunting around the islands would be inconsistent with the policy of no hunting within a regional park reserve, as defined by the Metropolitan Council.

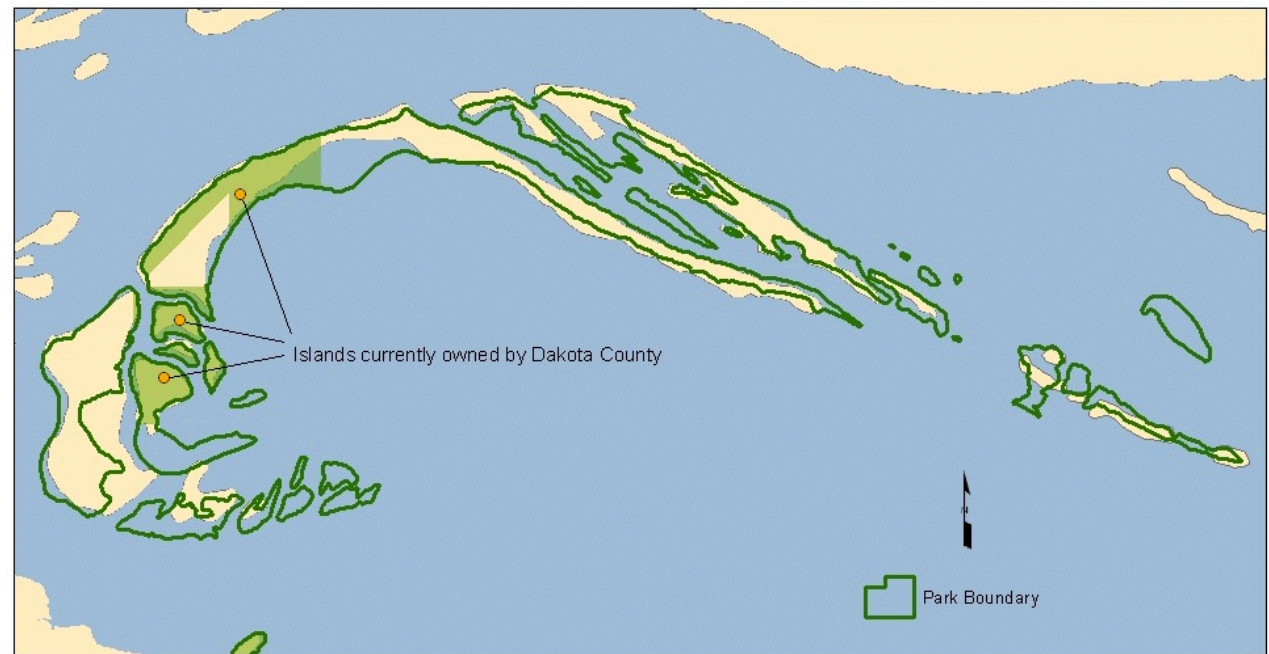


Dakota County will work on an interagency basis to determine which agency may be best suited to own and manage the islands. Potential agencies include:

- ▶ National Park Service – under the Mississippi River and Recreation Area designation.
- ▶ US Army Corps of Engineers – under a variety of programs for managing the river corridor.
- ▶ U.S. Fish and Wildlife Service – under a variety of programs for managing wildlife habitat along the river corridor.
- ▶ Minnesota Department of Natural Resources – under a variety of programs associated with lake protection, fisheries, and wildlife refuges.

Ownership and management of the islands may also involve a partnership among several of these agencies, including Dakota County. Note that Dakota County also leaves open the opportunity to reconsider inclusion of the islands as part of the park if an acceptable alternative through other agencies is not achievable. Until this issue is resolved, the islands that Dakota County already owns will be held in public ownership. Figure 4.4 illustrates the extent to which Dakota County owns islands as of October, 2003.

*Figure 4.4 – Islands owned by Dakota County.*



Although Dakota County will not own them, the islands remain an important part of the master plan for Spring Lake Park Reserve. Critical issues associated with the islands that serve the interests of the park reserve include:

- ▶ Management of the area for wildlife and ecological diversity. This includes the islands, lake and river. Stewardship of the islands should be consistent with the stewardship program being applied to the park.
- ▶ Recreational use of islands as defined in *Section VII – Development Master Plan*. Proposed uses include river camping and a water trail.

As part of the process with other agencies to address ownership issues, Dakota County will also develop a cooperative management plan for the recreational uses as defined above. In addition, Dakota County will continue to monitor when islands become available for purchase and work with appropriate agencies to acquire them. At the discretion of the County Board of Commissioners, Dakota County may purchase islands on an interim basis should they become available prior to a State or Federal agency taking on the role of long-term ownership and management.